# Detailed Action

## Status of Claims

1. Applicant's amended claims dated January 15th, 2010 responding to the October 15th, 2009 Office Action provided in the rejection of claims 1-9.
2. Claims 1, 8 and 9 have been amended.
3. Claims 1-9 are pending in the application, of which claims 1 and 9 are in independent form and these claims have been fully considered by the examiner.
4. Applicant's amendment appropriately addressed the rejection to the claims 8 under 35 U.S.C. § 101. The rejection to the claims 8 under 35 U.S.C. § 101 has been withdrawn.

## Remarks

5. Applicant's arguments with respect to claims rejection have been considered, but are not persuasive. Therefore, the rejections to the amended claims are maintained.

Accordingly, THIS ACTION IS MADE FINAL: See MPEP § 706.07(a) Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event; however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

## Answer to the Arguments

6. Applicants explained different parts from Nakajima's invention (Remarks page 5), and contended that " The newly added item of Nakajima has no relation to the context menu until associated ..... it is unclear how this relates to 'select[ing] an item in a selection context'" (remarks page 5-6, paragraph 4).

Answer: Examiner respectfully disagrees with the applicants because Nakajima discloses in Fig 3, Steps 40, and 42, and Fig 4, Steps 50, and 52.

The above indicated figures show that a context menu is presented, and the user can select a previously exist item from the context menu.

Nakajima further discloses –a method which is practiced in data processing system that includes a video display and object (selectable item) that has an associated context menu for specifying operations that may be performed relative to the object (selectable item). The data processing system also includes an operating system with a shell that specifies predefined menu items (pre-exist item within the menu) in the context menu –emphasis added (-*See* Nakajima Col 1:52-58).

These statements sufficiently identifies that a video or visual display which includes objects (selectable items) and these objects have associated context menu for display on the said display. This context menu includes predefined menu items which are previously exist in the system. Therefore, a person with ordinary skill in the art would recognize that this context menu

which is for presenting or displaying selectable items within the said context menu are available.

Argument: Applicants contended that "Nakajima never discloses a selection context or a selection context representation ..... dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation" (Remarks page 6, paragraph 1).

Answer: Examiner respectfully disagrees with the applicant because Nakajima discloses -Representations of the per-instance icons, such as metafiles or bitmaps, are registered within the registry 28, along with an icon handler object (step 96 in FIG. 10). When the shell of the operating system 26 needs to display a representation of the object associated with the icon, it calls the icon handler to display the per-instance icon (step 98) –emphasis added (Col 10:27-34).

This signifies that the icons (also selectable items) which are graphical representation of the menu items have direct relation with the objects within the system, and objects have representation dependency on the context such as metafiles or bitmaps. The menu items which are included and added in context are specific to the object or instance of the object –emphasis added (See Nakajima Col 6:66-67, Col 7:1-3)

Therefore, Nakajima's invention provides a plurality of items in a context menu, and the system user can have the system to display the context menu along with its items which are graphically represented by icons, and further the user may select any of these items within the context, and invoke an icon to initiate an operation.

Arguments: Applicant contended that Salmimaa does not disclose "the selection context representation including at least a parameter indicating a geographical area", (Remarks page 6-7, paragraph 2)

Answer: Examiner respectfully disagrees with the applicant's remarks because Salmimaa discloses a portable display device which is enabled to display geographical area icon on the said display device by comparing plurality of characteristic associated with each icon which it represents to plurality of context values such as time of day, user profile, and different geographical area as well –emphasis added (-See Salmimaa Abstract).

Salmimaa further discloses -prime icons are displayed enlarged in relation to other icons on the display device due it's higher context value. The context values depend on dynamically changed information, such as a current location of the user, so that as the user moves to a different geographic area, different icons are enlarged on the display device –emphasis added (-See Salmimaa Abstract).

Therefore, it is clearly demonstrated that Salmimaa's device which displays plurality of items are represented by icons on the display screen. These icons are prioritized for display due to their context value. That means the items on the display menu have a dependency relationship with context value, and context has the dependency on geographical position.

Salmimaa further suggests that –a display mode selector which allows a user to select one of two display modes. Within the first display mode, the icons represent applications are arranged in rows and columns, which enable users to navigate in two dimensions which further enable the using cursor to select an item. In a second display mode, the icons are displayed on one side of the device with text field adjacent to each icon –See Salmimaa Paragraph [005]. The above statement signifies that the user may select an item from a context menu wherein the identified item can be displayed distinctively due to it's context

value, further, wherein the context value is determined due the display device's geographical position. Thus, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine both Salmimaa and Nakajima to produce a display device which would provide the user with enhance capability to select an item from context menu which may have been displayed in different displaying mode, and the icons which represent the menu items would be displayed in enlarged forms due to its value within the context of plurality of other icons, wherein the value of the plurality of items/icons in the context depend on device's geological position.

In reference to claims 2, 3, and 6, the limitations are sufficiently disclosed by the combined invention of Nakajima and Salmimaa, claims 2, 3, and 6 are dependent from claim 1 described above. Therefore, rejection in regards to claims 2, 3, and 6 are maintained.

In reference to claim 8, Nakajima discloses computer system which includes central processing unit to process data and codes stored in said computer readable storage medium –See Nakajima Col 5:48-58. Therefore, rejection in regards to claim 8 is maintained.

In reference to claim 9, please refer to the answer regarding claim 1 above.

In reference to claims 4, 5, and 7, the limitations are sufficiently disclosed by the combined invention of Nakajima modified by Salmimaa, and further modified by Roth, and claims 4, 5, and 7, are dependent from claim 1 described above. Therefore, rejection in regards to claim 4, 5, and 7, are maintained.

# Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al. (US Patent No 6008806) in view of Salmimaa et al. (US Patent Application Publication No 2002/0160817- IDS of record).

In reference to claim 1:

Nakajima discloses:

*A method of presenting a plurality of items, comprising the steps of: enabling a user to select an item in a selection context,* (Col 1:66-67, and Col 2:1-4 –In accordance with a further aspect of the present invention, configuration information about a context menu handler is registered in database configuration information in a data processing system. A user makes a request (by selecting) and, in response to the request, the database is accessed to obtain configuration information about the context menu handler), *a selection context representation representing the selection context* (Col 2:6-7 –A shell of an operating system provides at least one menu item for the context menu), *associating said item with said selection context representation* (Col 6:53-56 -In the context menus, a verb is an action that is performed in response to the selection of an associated menu item. For example, the menu item "Open" has an associated verb that opens the file or object –emphasis added)*; and*

*presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation* (Col 2:5-9 –The context menu handler is invoked to add menu items to a context menu of an object. A shell of an operating system provides at least one menu item for the context menu (presentation context), but the context menu handler is used to add at least one additional menu item to the context menu (presentation context) for the object),

Nakajima does not disclose:

*the selection context representation including at least a parameter indicating a geographical area; the presentation context representation including at least a parameter indicating a geographical area*

However, Salmimaa discloses:

*the selection context representation including at least a parameter indicating a geographical area*

(Paragraph11:1-8 –A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile); *the presentation context representation including at least a parameter indicating a geographical area* (Paragraph 9:9-14; The context values may include dynamically changing information (parameter), such as a current location (geographical area) of the user, so that as the user moves to a different geographic area, different icons are enlarged on the display device. The icons can correspond to application programs; logos (such as a corporate logo); documents; Web sites; or other objects). Thus, It would have been obvious to one ordinary skill in the art at the

time the invention was made to combine Salamimaa's method of adding geographical location within Nakajima's extensible context menu because that would enhance Nakajima's context menu presentation by providing the proximity of the user instant location during the time the user interact with the device and display the appropriate location indication within the context display (Salmimaa, Paragraph 27).

In reference to claim 2:

Nakajima discloses:

*wherein the relation between said selection context representation and said presentation context representation is determined to exist if said presentation context and said selection context at least partly overlap.*

(Col 3:28-35 –A shell extension handler is provided for one of the classes of objects to extend the functionality of the shell relative to that class of objects. The shell extension handler is independent of the operating system and may be provided, for instance, by an application program. The shell extension handler is invoked to extend the functionality of the shell for an object in the class of objects for which the shell extension handler is provided.)

In reference to claim 3:

Nakajima discloses:

*wherein a position of said item in said presentation depends on said relation between said presentation context representation and said selection context representation.*

(Col 24:24-30 –When the system is about to display a context menu for a file object, the system calls the context-menu handler's QueryContextMenu member function (presentation context). The context-menu handler inserts menu items by position (MF.sub.-- POSITION) directly into the context menu by

calling the InsertMenu function. Menu items must be string items (MF.sub.--STRING), as the following example demonstrates.

In reference to claim 6:

Nakajima does not disclose:

*wherein the presentation is personalized for a certain user and the presentation depends on whether the certain user is the user that selected said item.*

However, Salmimaa discloses:

*wherein the presentation is personalized for a certain user and the presentation depends on whether the certain user is the user that selected said item.*

(Paragraph 20, 21, and Refer to FIG 6A, 6B and associated texts)

It would have been obvious to one ordinary skill in art at the time the invention was made to combine Salamimaa's method of differentiating menu context for different users with Nakajima's method because that would enhance the presentation context to display individually personalized context profile for each of the distinct user and their previously used application (Salmimaa, paragraph 6).

In reference to claim 8:

Nakajima discloses:

*A storage means including a program executable by a processor of a programmable device to carry out a method.*

(Col 5:48-50 –FIG. 1 is a block diagram of a computer system 10 that is suitable for practicing the preferred embodiment of the present invention.)

In reference to claim 9:

Nakajima discloses:

*An electronic device, comprising: a selection means for enabling a user to select an item in a selection context* (Col 1:66-67, and Col 2:1-4 –In accordance with a

further aspect of the present invention, configuration information about a context menu handler is registered in database configuration information in a data processing system. A user makes a request (select) and, in response to the request, the database is accessed to obtain configuration information about the context menu (presentation context) handler), *a selection context representation representing the selection context* (Col 2:6-7 –A shell of an operating system provides at least one menu item for the context menu), *an associating means for associating said item with said selection context representation* (Col 6:53-56 - In the context menus, a verb is an action that is performed in response to the selection of an associated menu item. For example, the menu item "Open" has an associated verb that opens the file or object –emphasis added)*; and a presenting means for presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation* (Col 2 lines 5-9; The context menu (presentation context) handler is invoked to add menu items to a context menu of an object. A shell of an operating system provides at least one menu item for the context menu (presentation context), but the context menu handler is used to add at least one additional menu item to the context menu for the object),
Nakajima does not disclose:
*the selection context representation including at least a parameter indicating a geographical area; the presentation context representation including at least a geographical area*

However, Salmimaa discloses:
*the selection context representation including at least a parameter indicating a geographical area* (Paragraph1:1-8 –A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the

display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile), *the presentation context representation including at least a geographical area* (Paragraph 9:9-14 –The context values may include dynamically changing information, such as a current location of the user, so that as the user moves to a different geographic area, different icons are enlarged on the display device. The icons can correspond to application programs; logos (such as a corporate logo); documents; Web sites; or other objects). Thus, It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Salamimaa's method of adding geographical location within Nakajima's extensible context menu because that would enhance Nakajima's context menu presentation by providing the proximity of the user instant location during the time the user interact with the device and display the appropriate location indication within the context display (Salmimaa, Paragraph 27).

9. Claims 4,5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Salmimaa as applied to claim1 above, and further in view of Roth (US Patent Application Publication No 2001/0019338).

In reference to claim 4:

Nakajima modified by Salmimaa substantially disclose method set forth in claim 1 above, Nakajima modified by Salmimaa does not disclose:
*wherein the presentation of the plurality of items depends on at least one of: a number of times said item has been selected in said selection context and a date of a most recent selection of said item in said selection context.*
However, Roth discloses:

*wherein the presentation of the plurality of items depends on at least one of: a number of times said item has been selected in said selection context and a date of a most recent selection of said item in said selection context.*
(Paragraph 80:1-3 –Frequency control points are awarded based on the number of times that a menu item has been selected in comparison to other menu items in the same menu.)
(Paragraph 68:1-4 –Time stamp field 815 is used to track the last date (most recent) and time that the subject menu item was selected. This field is used for the automatic recency and the automatic time of day control facilities.)
It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Roth's method of selecting the context arrangement with Nakajima's method because Roth's method would provide the means for Nakajima's method to display the number of appearances of individual menu item within the context presentation (Roth Paragraph 6).

In reference to claim 5:
Nakajima modified by Salmimaa substantially disclose method set forth in claim 1 above, Nakajima modified by Salmimaa does not disclose:
*wherein the plurality of items are presented in an order in accordance with at least one of: a number of times each of the plurality of items has been selected and a date of a most recent selection of each of the plurality of items.*
However, Roth discloses:
*wherein the plurality of items are presented in an order in accordance with at least one of: a number of times each of the plurality of items has been selected and a date of a most recent selection of each of the plurality of items.*
(Paragraph 10:6-13 –The automatic ranking control feature of the present invention uses one or more heuristic factors to automatically control the order in which menu item are arranged on a given menu. This feature is significant because it allows the menu management mechanism of the present invention

to adapt quickly as use patterns change, while still taking historical selection patterns into account.)
(Paragraph 68:1-4 –Time stamp field 815 is used to track the last date (most recent) and time that the subject menu item was selected. This field is used for the automatic recency and the automatic time of day control facilities.)
It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Roth's method of selecting the context arrangement with Nakajima's method because Roth's method which would selectively determine the display arrangement due to the frequency of the usage of the applications would improve the means for determining the heuristic menu arrangement and further enhance the appearance it would display the last appearance within the presentation context more prominently (Roth, Paragraph 5).

In reference to claim 7:
Nakajima does not disclose:
*wherein both the selection context representation the presentation context representation include a parameter indicating a geographical area*
However, Salmimaa discloses:
*wherein both the selection context representation the presentation context representation include a parameter indicating a geographical area*
(Paragraph11:1-8 –A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile.)

Nakajima does not disclose:

*determining the relation between the selection context representation and the presentation context representation comprises applying a first weight to a relation between the geographical areas*

However, Salmimaa discloses:

*determining the relation between the selection context representation and the presentation context representation comprises applying a first weight to a relation between the geographical areas*

(Paragraph11:1-8 –A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile.)

It would have been obvious to one ordinary skill in art at the time the invention was made to combine Salamimaa's method of adding geographical location within Nakajima's extensible context menu because that would enhance Nakajima's context menu presentation by providing the proximity of the user instant location during the time the user interact with the device and display the appropriate location indication within the context display (Salmimaa, Paragraph 27).

Nakajima modified by Salmimaa does not disclose:

*a parameter indicating a recurring time period,*

However, Roth discloses:

*a parameter indicating a recurring time period,*

(Paragraph 10:6-13 –The automatic ranking control feature of the present invention uses one or more heuristic factors to automatically control the order in which menu item are arranged on a given menu. This feature is significant because it allows the menu management mechanism of the present invention

to adapt quickly as use patterns change, while still taking historical selection patterns into account.)

Nakajima modified by Salmimaa does not disclose:
*applying a second weight to a relation between the recurring time periods.*
However, Roth discloses:
*applying a second weight to a relation between the recurring time periods.*
(Paragraph 10:6-13 –Time stamp field 815 is used to track the last date and time that the subject menu item was selected. This field is used for the automatic recency and the automatic time of day control facilities.)
It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Roth's method of selecting the context arrangement with Nakajima's method which is modified by Salmimaa 's method of geographical positioning would selectively determines the display arrangement due to the frequency of the usage of the applications and prioritize the most recent appearance prominently would improve the means for determining the heuristic menu arrangement within the presentation context(Roth, paragraph 6).

## Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZIAUL CHOWDHURY whose telephone number is (571)270-7750. The examiner can normally be reached on Monday Thru Friday, 7:30AM To 9:00PM, Alternet Friday, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TUAN Q. DAM can be reached on 571-272-3695. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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